

EXHIBIT 16

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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION

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|------------------------------|---|------------------|
| Emerson Creek Pottery, INC., |) | |
| |) | |
| Plaintiff, |) | |
| v. |) | Case No. |
| COUNTRYVIEW POTTERY CO., |) | 6:20-CV-0054-NKM |
| Emerson Creek EVENTS, INC., |) | |
| CHRISTINA DEMIDUK, and |) | |
| DAVID DEMIDUK, |) | |
| |) | |
| Defendants. |) | |

VIDEO-CONFERENCED DEPOSITION OF
LINDSAY WINKLER

November 12, 2021

Via Zoom Video-conference

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1 their Instagram or Twitter or Pinterest or Facebook
2 accounts, did you confirm that those links did
3 indeed work? Like, if someone hit those links from
4 the website, that they would go to an actual social
5 media account for Emerson Creek Pottery & Tearoom?

6 A. Yes. Yeah, they worked. At some point,
7 they dropped I think Twitter and I -- maybe another
8 one, because it wasn't being used a lot.

9 Q. Do you have -- just so I'm clear on your
10 testimony, you didn't have any responsibilities,
11 Ms. Winkler, for maintaining, for example, the
12 content or in any way observing the content on a
13 regular basis of those social media pages?

14 A. No, no.

15 Q. Okay. Do you have any recollection or
16 understanding as to who would have been responsible
17 for putting content and maintaining content on those
18 social media websites?

19 A. No. I don't know -- I don't know who on
20 their team was doing that.

21 Q. Okay. Did you have meetings with anyone
22 associated with Emerson Creek Pottery & Tearoom
23 regarding the integration of their social media
24 accounts with the website, meaning making sure that
25 their social media accounts linked and would drive

1 people to the website or vice versa?

2 A. No, no.

3 Q. That wasn't part of what you were doing?

4 A. No. Other than just putting the link on
5 their website so that people could go to the social
6 media, there wasn't anything else really involved.
7 It was pretty basic.

8 Q. Okay. And, again, just to confirm, you
9 didn't have any involvement with making sure that
10 people who, for example, who were on their Facebook
11 page, if they wanted to click and transfer over to
12 the website, did you have any involvement in making
13 sure that that link was correct and accurate and
14 active and all those things?

15 A. No. Someone else managed that.

16 Q. Okay. But as you sit here today, you
17 don't know who that would have been?

18 A. No. They had -- I think they had had
19 several different people probably working on it.

20 Q. Okay. The other thing it says is it
21 says "forms." Again, website development or setup
22 for the -- and then it goes through -- one of the
23 things is forms. Do you know what those forms refer
24 to?

25 A. Yeah, that would be, like, restaurant

1 What was your role or the role of you
2 and Jonathan in helping them sort of pull together a
3 mailer, for example? Like, let's say they were
4 going to send out a particular mailer. Am I correct
5 in stating, first things first, you would help them
6 in sort of designing the look of what would be
7 presented in the mailer? Is that fair to say?

8 A. Yeah, as far as the layout and the
9 colors and everything, I would be provided the text
10 and then I would design it.

11 Q. Okay. Would you have any role in either
12 editing or offering suggestions over the language
13 utilized in the text?

14 A. On occasion, I would say.

15 Q. Okay. And then once the wording was
16 agreed upon and the layout was agreed upon, what was
17 your role with respect to the actual distribution of
18 a mailer or a postcard?

19 A. Basically, I would just give them the
20 printer file, and then they would do all the rest.

21 Q. All right. When you say the "printer
22 file," what does that refer to?

23 A. Just a high quality PDF file that would
24 be ready for printing.

25 Q. Okay. Did you have -- would you

1 interact with Mailchimp or any of these other
2 services that would actually distribute and send out
3 the mailing?

4 A. Yeah. Mailchimp is where -- the
5 platform where I created the design, and then it
6 would be mailed out.

7 Q. Okay. So if you can, just take me from
8 that point. You create a high quality PDF that's
9 ready to be mailed out. What happens next? And
10 what's your role in what happens next, meaning it
11 going from that high quality PDF to arriving at the
12 customer's mailbox?

13 A. I'm sorry. Can you clarify whether
14 you're talking about print materials or an e-mail?

15 Q. Yeah. So that's a great point. I'm
16 going to ask you about both, but let's start with
17 printed materials.

18 A. Okay.

19 Q. So, for example, if they were going to
20 -- and I realize this may have changed over time,
21 but to the best of your recollection, if there was
22 going to be a printed mailing that was sent out --
23 well, strike that.

24 Are you aware -- I know we've been
25 talking about mailings and I may have been using

1 that term loosely. Are you aware of the Demiduks or
2 anyone on behalf of Emerson Creek Pottery & Tearoom
3 sending out either, like, physical postcards,
4 mailing them, or physical mailers and actually using
5 the United States Postal Service to mail them?

6 A. Yeah, yeah, they have done postcard
7 mailings, yeah.

8 Q. Okay. And you've participated in those
9 in the sense of helping set up the actual mailing,
10 the postcard itself, correct?

11 A. Yeah, the design of the postcard. After
12 it was -- after that, it was in their hands to get
13 it printed and mail it out.

14 Q. Okay. So would you have had access, for
15 example, to a mailing list that would have been
16 utilized for -- you know, that would show this is
17 everyone that is going to receive this postcard?

18 A. Not for the print mailers.

19 Q. All right. How many print mailings do
20 you think you were involved with, if you know?

21 A. Oh, gosh. At least 20, I think, if I
22 were to guess.

23 Q. And that would have been during the
24 course of, you know, 2015 through the present,
25 essentially?

1 A. Yeah, that would be a guess.

2 Q. Okay. And with each of those mailings,
3 who would you provide it to? Like, let's say you
4 had the postcard or mailer ready to go. What would
5 you do with it next? Where would you send it?

6 A. I would send it to someone at Emerson
7 Creek, and then they would send it to the printer,
8 and then the printer, I think, would mail it out.

9 Q. Okay. Do you know who they used as
10 their printer?

11 A. All I know is his name is PJ. I'm not
12 -- I don't remember the company name.

13 Q. Where was PJ located, if you know?

14 A. I believe he was in the area where
15 Emerson Creek is located.

16 Q. Meaning, like, Oswego, Illinois,
17 somewhere in that area?

18 A. Yeah, I think he was somewhat close to
19 them.

20 Q. Where are you located, Ms. Winkler?

21 A. Evanston, Illinois.

22 Q. So how far away from Oswego is that?

23 A. At least an hour.

24 Q. Have you worked with PJ on any other
25 projects?

1 A. No.

2 Q. Okay. And PJ is a man?

3 A. I believe, yes.

4 Q. Okay. But someone from Emerson Creek
5 Pottery & Tearoom would actually send it to PJ and
6 make that connection?

7 A. Right. Yup.

8 Q. Okay. Do you recall, for example,
9 whether you would have sent the final, you know, PDF
10 or mailing to Johanna during the course of her
11 employment with Emerson Creek Pottery & Tearoom?

12 A. I don't remember specifically.

13 Q. Okay. Do you recall anyone else you
14 might have sent it to, other than Johanna? I know
15 you're not remembering whether you sent it to
16 Johanna, but my question is do you recall sending it
17 to any other specific individual other than Johanna?

18 A. Yes, I would also be in contact with
19 Karla a lot. I would send a lot of stuff and
20 communicate with her in regard to printing.

21 Q. Okay. And who is Karla?

22 A. I think she was, like, an office manager
23 type of role.

24 Q. Okay. And do you know if Karla is still
25 with Emerson Creek Pottery & Tearoom?

1 A. Yes, I believe so.

2 Q. Okay. So what would your -- describe
3 briefly what your interactions with Karla would have
4 been related to either website or these other
5 mailing type marketing efforts.

6 A. I think she would talk with Chris and
7 Dave about things and/or other people, and then I --
8 she would be the messenger to let me know of, say,
9 what text to put on something, what changes to make,
10 and/or, like, I'd give her the final files to use
11 for the printing.

12 Q. Okay. And then we talked about Johanna.
13 It's your understanding that Johanna is no longer
14 with Emerson Creek Pottery & Tearoom?

15 A. Correct. I think it's been a few years
16 that she's been -- has left.

17 Q. Okay. All right. I'm going to go back
18 real quick to the -- so we talked about the physical
19 mailings. So just to confirm, that wasn't something
20 -- I mean, once -- once it was provided to either
21 someone like Johanna or Karla, it was out of your
22 hands?

23 Your understanding was at that point,
24 they would send out the mailing and that was done by
25 utilizing PJ to print and then however it got to the

1 mail from there? Is that your understanding?

2 A. Yes.

3 Q. Were you a recipient of those mailings?

4 A. No.

5 Q. Tell me about the other types of
6 mailings. So meaning, like, e-mailings that would
7 be sent. What was your involvement or role in any
8 sort of e-mail marketing efforts undertaken by
9 Emerson Creek Pottery & Tearoom?

10 A. Yeah, so we used Mailchimp. It was a
11 platform where you can create e-mail designs and
12 send them out to different mailing lists. So I
13 would be given texts and then put it in Mailchimp
14 and design it and then send them a draft to review,
15 and then we would send it out. They'd specify which
16 mailing list they wanted it sent out and when, and I
17 would press "send" and it would go out to certain
18 lists.

19 Q. All right. Who compiled those lists?

20 A. It would have been Emerson Creek. I'm
21 not sure who exactly at the office.

22 Q. All right. How were they provided to
23 you?

24 A. I believe it -- originally, it would
25 have been just an Excel spreadsheet. I can't recall

1 exactly, but I think that's what it was.

2 Q. Would that have been something likely
3 provided to you via e-mail?

4 A. Yes, I believe so.

5 Q. Okay. And you said "lists." Were there
6 different versions of lists that were provided to
7 you?

8 A. Originally, there may have been just a
9 handful, and then over time, they might have created
10 individual groups for different, say, wedding years,
11 like brides of different years.

12 Q. Okay. Any other, like, variations of
13 lists that you're aware of?

14 A. No. There's just a main large one, and
15 then sometimes they would make a list for a specific
16 event or something, but I don't recall specifics of
17 the list.

18 Q. Okay. But you would actually have those
19 e-mail addresses? That would be something that you
20 actually sent out for Emerson Creek Pottery &
21 Tearoom, meaning through --

22 A. Through -- through their platform that I
23 logged into and created the design.

24 Q. All right. So if we wanted to see those
25 lists, for example, the e-mailing lists --

1 A. Yeah.

2 Q. -- would we be able -- that would be
3 something that we could get from Mailchimp?

4 A. Yes, you can export it.

5 Q. Okay. And so anyone with access to the
6 Emerson Creek Pottery & Tearoom Mailchimp account
7 would be able to export and, in essence, download
8 the e-mailing list, correct?

9 A. Correct, yes.

10 Q. Okay. You don't -- separate from what
11 exists at Mailchimp, do you know if in your
12 possession you have copies or versions of the e-mail
13 lists?

14 A. I don't know if I have any copies of
15 that. I'd have to look.

16 Q. And that could be -- would that likely
17 be in the form of an Excel spreadsheet you were
18 provided? Or it would it be in some other format?

19 A. It would be in Excel, I think.

20 Q. All right. Any other -- how many times
21 did you do these sort of e-mail -- is it an e-mail
22 blast? Is that what this is referred to as?

23 A. Yeah. Yeah, e-mail marketing, yeah.

24 Q. Okay. How many times, if you recall,
25 over the course of 2015 to the present, did you send